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2-20-02

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD C. WOJEWODZKI,

Plaintiff

v.

CONSOLIDATED FREIGHTWAYS,  
INC.,

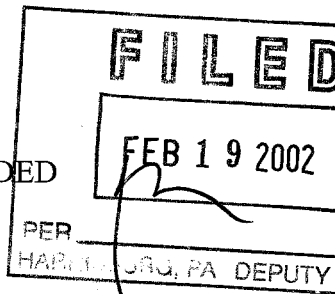
Defendant

CIVIL ACTION NO. 1:CV 01-285

JUDGE SYLVIA H. RAMBO

JURY TRIAL DEMANDED

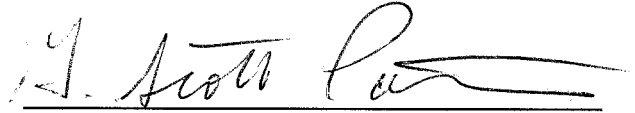
**CONSOLIDATED FREIGHTWAYS CORPORATION'S  
MOTION FOR SUMMARY JUDGMENT**



1. Plaintiff brings a claim against CF under the Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq ("ADEA") (Count I).
2. CF hereby moves Plaintiff's Complaint in its entirety, pursuant to Fed. R. Civ. Pro. 56(b), for failure to state a claim upon which relief may be granted.
3. Plaintiff cannot establish a *prima facie* case because Plaintiff's replacement is not substantially younger than Plaintiff.
4. In the alternative, Plaintiff cannot demonstrate that CF's articulated legitimate reason for reassigning him was pretext for illegal discrimination.

5. CF sets forth its arguments in support of this motion in their accompanying supporting Memorandum of Law.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "V. Scott Paterno", written over a horizontal line.

VINCENT CANDIELLO  
G. SCOTT PATERNO  
One Commerce Square  
417 Walnut Street  
Harrisburg, PA 17101-1904  
717.237.4000

Of Counsel:

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: February 19, 2002

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD C. WOJEWODZKI,	:	CIVIL ACTION NO. 1:CV 01-285
	:	
Plaintiff	:	
	:	
v.	:	JUDGE SYLVIA H. RAMBO
	:	
CONSOLIDATED FREIGHTWAYS,	:	
INC.,	:	
	:	
Defendant	:	JURY TRIAL DEMANDED

**CERTIFICATE OF NONCONCURRENCE**

I, G. Scott Paterno, hereby certify that on February 19, 2002, Plaintiff's counsel advised me that Plaintiff would not concur in Consolidated Freightways Corporation of Delaware's Motion for Summary Judgment.

  
\_\_\_\_\_  
G. SCOTT PATERNO

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Consolidated Freightways' Motion for Summary Judgment has been served via U.S. Mail, postage prepaid, on this **19th day of February, 2002**, upon the following:

Lawrence L. Markowitz, Esquire  
Markowitz & Krevsky, P.C.  
208 E. Market Street  
P.O. Box 392  
York, PA 17405-0392

A handwritten signature in black ink, appearing to read "G. Scott Paterno", written over a horizontal line.

G. SCOTT PATERNO